



FAMILY LAW SECTION

THE STATE BAR OF CALIFORNIA

From “Alternative” to “Appropriate:” The Next Step in Dispute Resolution

Standing Committee on ADR, Southern California

October 15, 2004

Conference Agenda:

1. **Continental Breakfast: (8:30am-9:00am)**
2. **Wendy R. Landes, Chair: Introduction and Welcome (9:00am-9:05am)**
 - a. *Material:* Family Law Leadership Questionnaire (on which Survey Results are based)
3. **Changes in the Courts: Wendy R. Landes Introduction of Judge Aviva K. Bobb**
 - a. *Material:* Article: “Using the Court as a Last Resort: Advocacy Without Adversaries”
 - b. **Judge Aviva K. Bobb: Los Angeles County Supervising Judge, Family Law Dept. (9:05am-9:15am)**
 - i. *Material:* Judge Bobb Letter, L.A. County Superior Court Rule 14.26 Collaborative Law Cases
 - c. **Renée Sperling: Introduction of Judge John R. Smiley (9:15am-9:20am)**
 - d. **Judge John R. Smiley: Ventura County Supervising Judge, Family Law Dept. (9:20am-9:30am)**
 - i. *Material:* Judge Smiley Letter
4. **Wendy R. Landes: Changing Trends (9:30am-9:35am)**
 - a. Who We Are
 - b. *Material:* Survey Results
5. **Judith C. Nesburn: Changing Clients (9:35am-9:40am)**
 - a. **Use of Experts:**
 - i. **Dr. Anthony J. Aloia - Clinical Psychologist (9:40am-9:55am)**
 - ii. **Andrew L. Hunt - CPA (9:55am- 10:10am)**

Break (10:10am-10:25am)

6. Michelle Katz: Changing Concerns (10:25am-10:50am)

- a. *Material:* Eisendrath I Case (2003,) Foxgate Case (2003,) Rojas Case (2004,) California's New Mediation Laws - At a Glance, ABA Section of Dispute Resolution: Resolution on Mediation and the Unauthorized Practice of Law, Article: "Out of Practice," Insurance Policies for ADR practitioners: Business Risk Partners Sample Policy and Policy Highlights, Complete Equity Markets Sample Policy and Policy Highlights for (a) Arbitrators and Mediators Professional Liability Insurance and (b) Limited Practice Lawyers Professional Liability Insurance
- b. **Ronald Rosenfeld:** Inside Eisendrath
- c. **Wendy R. Landes:** Concerns of the Consulting Attorney

7. Fern Topas Salka: Changing Tools (10:50am-11:15am)

- a. *Material:* Divorce Resolution Continuum, Helping Clients Choose Between Mediation or Collaborative Family Law, Will Collaborative Divorce Work For You?, Phrases for Active Listening

8. Ronald M. Supancic: Navigating the Change (11:15am-11:45am)

- a. *Material:* Article: "Collaborative Divorce, Ten Rights of Couples in the Cooperative Divorce Process," Invitation to AAML Collaborative Law Committee's "Introduction to Collaborative Law" Annual Meeting in Chicago, IL

9. Professor Peter Robinson: Participant Feedback (11:45am-12:00pm)

MCLE Credit:

This activity has been approved for 2.75 hours of MCLE credit by the State Bar of California. Pepperdine University School of Law certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing MCLE.

If you have any questions, please see MCLE Coordinator Susan Bulfinch, Esq.

Program Planning Committee:

W. Scott Bowersock, Esq.	Wendy R. Landes, Esq.	Fern Topas Salka, Esq.
Susan R. Bulfinch, Esq.	Diana Mercer, Esq.	Ronald M. Supancic, Esq.
Tara Fass, LMFT	Judith C. Nesburn, Esq.	Renée Sperling, Esq.
Michelle Katz, Esq.	Patsy Ostroy, Esq.	Bonnie Yeager, Esq.
Alison Abroahams, 3L, Pepperdine School of Law Intern		

Biographies of the Speakers

Wendy R. Landes, Chair, Alternate Dispute Resolution Standing Committee of the State Bar-Family Law Section (Southern California) 2001-present, a former family law litigator admitted to practice in both California and New York, Ms. Landes has devoted her practice in Pacific Palisades exclusively to ADR including Mediation, consulting to parties in Mediation and most recently, Collaborative Law. Ms. Landes is an Advanced Practitioner member of Association for Conflict Resolution (ACR), a member of Family Law Attorney Mediators Engaged in Study (FLAMES), Los Angeles Collaborative Family Law Attorneys (LACFLA), Collaborative Law Associates Study Project (CLASP) as well as the Los Angeles, Beverly Hills and Santa Monica Bar Associations. Ms. Landes received her basic and advanced Mediation training from the Straus Institute of Dispute Resolution at Pepperdine University School of Law and additional training from the Center for Mediation and Law. She earned her B.A. at the University of Pennsylvania in 1977, magna cum laude, and her J.D. at the Cardozo School of Law, Yeshiva University in 1980. Visit her website at www.wendylandes-familymediation.com.

Renée Sperling, a partner in the Law Firm of Abrams and Sperling, has been a Family Law attorney for 21 years. She is a member of the State Bar of California, Los Angeles County Bar Association and the Beverly Hills Bar Association. Miss Sperling is a member of the California State Bar South Alternative Dispute Resolution Executive Committee and the current Chair of the Beverly Hills Bar Association Alternative Dispute Resolution Section. She has been Co-Chairperson of the West District Court Family Law Mediation program for the Beverly Hills Bar Association for the past four years. She is past Chair of the Voluntary Settlement Program for the Beverly Hills branch court. Miss Sperling is the co-author of *Crossover Dangers in Family Law: Mediation and Litigation*. She is a graduate of the University of California at Berkeley and Southwestern University School of Law, and also has a Masters of Science Degree in Early Childhood Education from the University of Southern California. Miss Sperling can be reached at renee@abramsandsperling.com.

Judge Aviva K. Bobb is the Supervising Judge of the Los Angeles Superior Court Family Law Department. In 2003, Judge Bobb was presented with the Judicial Officer of the Year Award by the Family Law Section of the State Bar of California, and was also named Judge of the Year by the National Child Support Enforcement Association. In 2001, she was awarded the Distinguished Jurist Award of the American Academy of Matrimonial Lawyers, the Spencer Brandeis Award of the Los Angeles County Bar Association, Family Law Section, and the Outstanding Community Service Award of the Levitt & Quinn Family Law Center. Judge Bobb has been on the Family Law Section Executive Committee of the Los Angeles County Bar Association since 1998, and in 2000 was the Chair of the Superior Court Family Law Committee. She has been a member of the Judicial Council of California since 1993 when she was Vice Chair of the Presiding Judges' Standing Advisory Committee. Judge Bobb earned her B.A. in Political Science from Wellesley College and her J.D. from the Boalt School of Law at the UC-Berkeley. She can be reached at: Los Angeles Superior Court, Department 2, 111 N. Hill Street, Los Angeles, CA, 90012-3117.

Judge John R. Smiley has been the Supervising Judge of the family law department in Ventura County Superior Court since 1998. He is also the Assistant Presiding Judge of Ventura County, and currently teaches Community Property at Ventura College of Law. Judge Smiley has a reputation for making carefully researched equitable decisions based on the law, and also for encouraging parties to settle out of court. Before being appointed to the bench in 1986, Judge Smiley specialized in family law at Ventura-based Lucking, Bertelsen, Kuttler & Smiley, making partner in only 2 years. He joined the firm in 1973 after graduating from Princeton University in 1970, earning a bachelor's degree in English, and from Southwestern School of Law. He can be reached at: P.O. Box 6489, Ventura, CA, 93006.

Judith C. Nesburn is an experienced Family Law Attorney-Mediator who is also a licensed Clinical Social Worker. She has lectured extensively throughout California on Family Law and Family Law Mediation, and has received over 150 hours of mediation, collaborative law and advanced mediation training. Ms. Nesburn has served on the State Bar Family Law Executive Committee, as Continuing Legal Education Chair for the State Bar Family Law Section, as Chair of the ADR standing committee of the State Bar Family Law Section, Chair of the Adoption standing committee of the State Bar Family Law Section, and is a member of the executive committee of the Beverly Hills Bar Association ADR Committee, the Los Angeles County Bar Family Law Section and the Los Angeles Collaborative Family Law Association. Ms. Nesburn received her undergraduate degree, summa cum laude, from UCLA, her Masters in Social Work, magna cum laude, from Columbia University, and her law degree from Loyola Law School, where she was admitted to the Law Honor Society. She can be reached at: JCNesburn@aol.com.

Dr. Anthony J. Aloia is a Clinical and Forensic Psychologist who has been in private practice in Torrance since 1973. He taught for ten years at the graduate school level training school psychologists and clinical psychologists at Loyola University and the California School of Professional Psychology in Los Angeles. Dr. Aloia specializes in divorce-related conflicts and offers psychotherapy and counseling to children, parents, and families of divorce. He has completed more than eight hundred Evidence Code 730 Child Custody Evaluations for the Superior Court. A trained mediator, divorce coach, and child specialist, he has successfully mediated numerous divorces and child custody disputes, and during the last three years has provided divorce coaching and child specialist consultation to collaborative family law attorneys. Over the last thirty years, Dr. Aloia has presented numerous seminars in continuing clinical and forensic education, parent education, and divorce-related conflict, and is currently writing in the areas of parenting, child custody evaluation, and child advocacy. Dr. Aloia can be reached at: taphd@sbcglobal.net.

Andrew L. Hunt is a senior partner in the accounting and litigation services firm of White, Zuckerman, Warsawsky, Luna, Wolf & Hunt, LLP. Mr. Hunt is experienced as a business appraiser and litigation consultant in the fields of accounting, economics and finance. He is a Certified Public Accountant (CPA) and an Accredited Senior Appraiser (ASA) in business appraisal. Mr. Hunt is a member of the California Society of Certified Public Accountants, the American Institute of Certified Public Accountants, the National Association of Forensic Economists, and a member of the American Society of Appraisers. Mr. Hunt also sits on the board of the Southern California Educational Foundation. Mr. Hunt has testified as a financial expert in California Superior Court, U.S. District Court, and has also testified in court relating

to numerous family law issues, including business appraisal, property division, and child and spousal support. He has prepared hundred of business appraisals in a wide range of industries, and has prepared business valuations in dissenting shareholder cases, for estate planning, for the purpose of marital dissolution, for the spin-off of divisions, and for the actual purchase or sale of the business. He has also lectured extensively throughout Southern California. Mr. Hunt obtained his Masters of Business Administration in finance and accounting from Ohio State University, and his Bachelors of Business Administration in finance from Cleveland State University. Visit his firm's website at: www.wzwlw.com.

Michelle Katz is the Immediate Past-President of the California Dispute Resolution Council (CDRC). Ms. Katz is certified as a specialist in family law by the California State Bar Board of Legal Specialization and devotes her practice exclusively to mediation, mediation-related services, and collaborative law in family law cases. Her office is in Los Angeles, California. She is the former chair of the State Bar Committee on Alternative Dispute Resolution, a member of the Board of Governors of the Beverly Hills Bar Foundation, and a former member of the Board of Governors of the Beverly Hill Bar Association. Ms. Katz also served as a member of the ADR Consulting Group to the Board of Legal Specialization of the California State Bar. Currently, she is part of the committee planning the ABA Dispute Resolution Section Annual Conference to be held in Los Angeles in April, 2005. She is a frequent speaker on the use of alternative dispute resolution processes in family law and has received training at the Center for Mediation in Law in Mill Valley, California, and the Harvard Law School Program of Instruction for Lawyers. Ms. Katz earned her B.A. from Cornell University, her M.Ed. from Cornell University, and her J.D. from Mid-Valley College of Law. She can be reached at KatzMedi8s@aol.com.

Ronald Rosenfeld is a partner in the Beverly Hills law firm of Zimmerman, Rosenfeld, Gersh & Leeds LLP, and a Fellow of the American Academy of Matrimonial Lawyers and the International Academy of Matrimonial Lawyers. He is also a member of the Board of Directors of the Los Angeles Collaborative Family Law Association. Mr. Rosenfeld has been listed in Best Lawyers in America, and Martindale Hubbell's Bar Register of Preeminent Lawyers. His practice involves mediation, collaborative law, and adversarial matters. Mr. Rosenfeld earned his B.S.E. at the University of California, and his J.D. from USC. He can be reached at RAR@beverlyhillslaw.com.

Fern Topas Salka is a sole practitioner with law offices in Brentwood, California. Ms. Salka is a Certified Family Law Specialist and former Chair of the Family Law Section of the Los Angeles County Bar. She has taught as an adjunct professor of law at Southwestern University, and was named a SuperLawyer 2004 in *Los Angeles* magazine. She is also past president of University Synagogue. Her training and practice involve the sophisticated selection and application of appropriate tools for dispute resolution: from mediation, collaborative law, and coaching to limited representation, consulting, negotiation, and, as a last resort, litigation. She also offers pre-marital legal counseling services and specializes in issues related to step families. She has lectured extensively to law and legal groups. Ms. Salka earned her B.A. from UCLA and her J.D. from Loyola Law School. She can be reached at fern@wgn.net.

Ronald M. Supancic, CFLS, was admitted to practice in 1970, and has practiced family law exclusively since then. He was certified by the State Bar of California as a Specialist in Family Law in 1980 at

the inception of that certification program. He has been a mediator and arbitrator with the Los Angeles County Superior Court since 1976. He is a member of the American Academy of Matrimonial Lawyers, the American Bar Association, the Association of Certified Family Law Specialists, and the Coalition for Collaborative Divorce. He has taught law and ethics at Azusa Pacific University and Fuller Theological Seminary School of Psychology. He has authored three books on the subject of Family Law. He appears as a frequent guest on radio and television, where he advocates cooperative divorce, mediation and other creative approaches to resolving family conflict. Mr. Supancic served as a Lieutenant Commander in the U.S. Navy's Judge Advocate General's Corp. He earned his B.A. from UCLA, and his J.D. from USC. Visit his website at www.ronslaw.com.

Professor Peter Robinson is the Acting Director of the Straus Institute for Dispute Resolution and Assistant Professor of Law at Pepperdine University School of Law. There he teaches Alternative Dispute Resolution Processes, Mediation Seminar, Negotiation and Settlement Advocacy, and Communication and Conflict. Prior to joining the Pepperdine community, Peter Robinson was the director of the Christian Conciliation Service of Los Angeles, a non-profit dispute resolution center. In that capacity, he mediated more than 300 disputes and pioneered how a religiously based mediation center could serve public agencies through governmental grants. Professor Robinson has presented advanced negotiation and mediation skills training in more than thirty states, and in Asia, Argentina, Holland, and Israel. Clients he has served include the following: Asian Development Bank; the United States Information Agency; county, state, and national level bar associations; government agencies at the local, state, and national levels; and private sector companies in the legal, real estate, consulting, manufacturing and insurance industries, as well as the JAMS/Endispute Company. He has served as secretary of the Southern California Mediation Association, the president of the board for the Christian Conciliation Service of Los Angeles, and the executive committee for the Los Angeles County Bar Association's ADR section. He is a member of the California State Bar and the American Bar Association ADR Section. Professor Robinson earned his B.A. from UCSD, and his J.D. from the Hastings College of Law. He can be reached at Peter.Robinson@pepperdine.edu